

NOV 29 2012

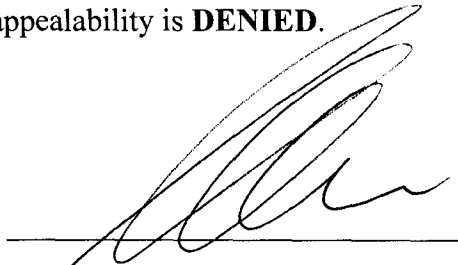
JULIA C. DUNN, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

EARNEST ROBERT BAXTER,)	Criminal Case No. 7:09cr00046
)	
Petitioner,)	
)	<u>2255 FINAL ORDER</u>
v.)	
)	
UNITED STATES OF AMERICA,)	
)	By: Samuel G. Wilson
Respondent.)	United States District Judge

In accordance with the court's memorandum opinion entered on this day, it is hereby
ADJUDGED and **ORDERED** that Baxter's motion pursuant to 28 U.S.C. § 2255 is
DISMISSED, and the case is **STRICKEN** from the court's active docket. Further, finding that
Baxter has failed to make the requisite substantial showing of the denial of a constitutional right,
as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

ENTER: November 29, 2012.


UNITED STATES DISTRICT JUDGE